

REMARKS

This Amendment, filed in response to the Office Action dated, November 19, 2010, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-3, 5-6, and 9-17 are all the claims pending in the application.

As indicated above, proposed amendments to the claims were discussed with the Examiner. The Examiner proposed amending claim 1 to include the subject matter of dependent claim 4. The Examiner also proposed amending independent claim 1 to include the subject matter described on page 10, lines 15-18 of the specification as filed. Therefore, Applicant has amended the claims as discussed with the Examiner. Independent claim 9 was amended similar to claim 1. Claim 4 has been canceled.

In view of the forgoing, Applicant believes that the claims should now be in a condition for allowance.

I. Claim Objections

The Examiner objected to claims 1 and 9 because a “:” is missing after the preamble. Applicant has amended claims 1 and 9 as requested by the Examiner.

II. Claim Rejections - 35 U.S.C. § 102

Claims 1-6 and 9-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Machida et al. (Patent No.: 6,885,387 B1), hereinafter “Machida” in view of Allan et al (EP 1094635 A2), hereinafter “Allan”.

Applicant notes that the Examiner has repeated the rejection under 35 U.S.C. § 103(a) in view of Machida and Allan. Applicant submits that the Examiner's rejection is improper since the combination of Machida and Allan do not teach the claimed elements even prior to the amendments currently submitted. Further, Applicant notes that the claims were previously amended in light of discussions made with the Examiner.

Applicant is further amending the claims at this time in the interest of moving prosecution forward and obtaining allowance, as indicated by the Examiner during the telephonic interview of November 2, 2010. Therefore, claim 1 has been amended to recite "wherein the data of the elements is displayed after realigning position data of the data of the elements or after the end of a procedure," and "wherein said management means refreshes the data of the elements displayed in the event of receiving a message reporting that an event relating to said elements has occurred within the network." Applicant submits that Machida and Allan do not teach these elements of the claim.

Further, Applicant submits that Machida and Allan do not teach "a plurality of elements, which are components of the network equipments of the communication network, associated with hierarchical levels." Specifically, the PC's, printer, image scanner, and FAX modem (elements 402a-g, which the Examiner cites for teaching the claimed plurality of elements) are not components of the network equipments of the communication network.

As recited in claim 1, the network equipments are part of the communication network and the plurality of elements are components of the network equipments which are part of the communication network. See, for example, page 5, lines 6 to 19 and page 8, lines 7-30, of the Applicant's specification for further clarification.

In response to Applicant's arguments, the Examiner asserts that elements 402a-c are provided on an information processing apparatus which can communicate through a network with each of the plurality of information processing apparatuses connected to the network.

For purposes of clarity in the record, Applicant requests that the Examiner more particularly identify which element of Machida is the information processing apparatus mentioned by the Examiner. Further, Applicant requests that the Examiner more particularly identify how elements 402a-c are components of the "information processing apparatus."

Applicant submits that Machida does not teach or suggest that elements 402a-c (plurality of elements as cited by the Examiner) are components of an information processing apparatus (network equipment as cited by the Examiner) of a communication network. Elements 402a to 402g are icons for allowing various functions to be executed and are displayed in the tool bar 402. Each function of the icons 402a to 402g can be executed by operating the PC or peripheral. For example, the icon 402a is an icon to execute the copying function for reading out the image data from the selected image scanner (image reading apparatus) and outputting the image data to the selected printer. See Machida col. 4, lines 15-35. However, elements 402a-c are not components of the network equipments of the communication network.

The Examiner asserts that Machida Figs. 4 and 5 and column 4 lines 44-45, teaches "a **plurality of elements associated with hierarchical levels**, wherein each element is associated with a set of **primary data stored in a memory**, said **primary data representing the element in the level to which said element belongs without any specific attachment to any level higher than said element.**"

Machida discloses a display method and apparatus having control of a displayed icon. The network apparatus is capable of calculating positions on a display screen where connecting states of network apparatuses connected to a network are displayed on the basis of connecting information of the network apparatuses. See Abstract.

The aspect of Machida cited by the Examiner describes a main window 403 which displays icons indicative of PC's and peripherals shared on the network. See column 4, lines 15-19. The icon 403a is an icon showing the self apparatus. The icon 403b is an icon showing a domain in which the self PC is in a logon state. Since the self PC is a special apparatus, it is displayed so as to be distinguished from the other PC's. The icons 403a to 403ac are displayed as icon (display forms) of device kinds in accordance with device kinds such as PC, printer, image scanner, and FAX modem.

The Examiner appears to be citing the PC's, printer, image scanner, and FAX modem for teaching the claimed plurality of elements. However, it would be clear to one of skill in the art that the plurality of elements as claimed is not a PC, printer, image scanner, or FAX modem, as discussed in Machida. See, for example, page 5, lines 6 to 19 and page 8, lines 7-30, of the Applicant's specification.

Further, the PC, printer, image scanner, and FAX modem of Machida are not "associated with hierarchical levels." Merely because Machida discloses that a FAX modem can be connected to a PC, does not teach or suggest that the FAX modem or the PC is associated with a hierarchical level as claimed. See for example, page 8, lines 7-24 of the Applicant's specification for further clarification. Therefore, one of skill in the art, in light of the

Applicant's disclosure, would not interpret that the devices of Machida are associated with hierarchical levels, as claimed.

Claim 1 further recites that "each element is associated with a set of primary data stored in a memory, said primary data representing the element in the level to which said element belongs without any specific attachment to any level higher than said element."

As discussed above, Machida is not concerned with the hierarchical levels of elements. Further, Machida is not at all concerned with whether devices have any specific attachment to any level higher than the element, or that primary data would represent the element in the level to which said element belongs without any specific attachment to any level higher than said element.

The Examiner asserts that Machida, Figs. 4 and 5 and column 5, lines 40-45, teaches "and at least one set of secondary data stored in said memory, said secondary data representing the element within the level to which said element belongs and the element's connection to a level higher than or equal to the level of said element in the hierarchy."

The aspect of Machida cited by the Examiner describes that in the row of the icon 503f, the icons of the PCs are sequentially arranged and displayed from the left direction for a network line. The peripherals connected to the icon 503f of the PC are two icons 503g and 503h of printers. Therefore, it is possible to display the icons in a manner such that the icons 503g and 503h of the printers are connected to the icon 503f of the PC without changing the display position of the icon 503f of the PC.

However, there is no teaching or suggestion of secondary data stored in a memory, or that the secondary data represents the element within the level to which the element belongs and the

element's connection to a level higher than or equal to the level of said element in the hierarchy. As discussed above, Machida is not directed to the claimed hierarchical levels, as would be obvious to one of skill in the art.

The Examiner asserts that column 4, lines 4-11 teach "management means ... for accessing and extracting from the memory the at least one of the sets of primary and secondary data of the elements of the equipment that belong only to a designated level when a request designating a chosen level of a network equipment without attachment is received."

However, there is no teaching or suggestion in Machida that a request designating a chosen level of a network equipment without attachment is received. The aspect of Machida cited by the Examiner teaches that connection information of all of the shared PCs and peripherals on the network and status information such as processing states or the like of the apparatuses are obtained in step S201. This information is stored in the PMEM 3.

The connection information of Machida is not primary data representing the element in the level to which said element belongs without any specific attachment to any level higher than said element, or secondary data representing the element within the level to which said element belongs and the element's connection to a level higher than or equal to the level of said element in the hierarchy.

The Examiner concedes that Machida does not teach "accessing and extracting from the memory at least one of the sets of primary and secondary data of the elements of the equipment that belong to a designated level and to levels lower than said equipment when a request designating a chosen level of a network equipment with attachment is received." and cites Allan, paragraphs [0009], [0026] and [0012] to cure the deficiency.

Allan describes an apparatus and method for selecting network entities. Graphical user interfaces are improved by categorizing network entities into series of attribute layers that define different features of the network entities. See abstract. The aspects of Allan cited by the Examiner describe that the displaying of the network entities is done by illustrating a geographical region selected for a base view and a plurality of network entities within the geographical region based on a series of network features selected during filtering operations. See paragraph [0009]. Further, Allan discloses categorization information corresponding to the network entities within the networks of interest. The categorization information is input to the local database. The local database maintains a file folder structure for each of the attribute layer containment hierarchies with a particular network entity being included in one or more folders. See paragraphs [0021]-[0022].

However, Allan is not directed to the claimed elements associated with hierarchical levels, or that at least one of the sets of primary and secondary data of the elements of the equipment that belong to a designated level and to levels lower than said equipment when a request designating a chosen level of a network equipment with attachment is received, is accessed and extracted from the memory. Further, Allan does not cure the deficiencies of Machida.

Therefore, claim 1 and its dependent claims should be deemed allowable.

Further, to the extent that claim 9 recites features similar to those discussed above, Applicant also submits that claim 9 is patentable for analogous reasons. Further, Applicant also submits that all claims dependent upon claims 1 and 9 are patentable at least by virtue of their dependency.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Ruthleen E. Uy/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Ruthleen E. Uy
Registration No. 51,361

Date: February 22, 2011